

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DIANNA LYSIUS, *on behalf of A.C.*,

Plaintiff,

**ORDER**  
**21 CV 3962 (DG)(LB)**

-against-

NEW YORK CITY LAW DEPARTMENT,  
NEW YORK CITY DEPARTMENT OF  
EDUCATION, MEISHA PORTER, JULIA BOVE,  
KERRI MOSER, FRANK DIFRANCO,  
ILENE LEES, LINDA SAKARIASEN,  
ROCHELLE BERGER, JENNIFER ITTAH,  
BARBARA FREEMAN, CAITLIN VISCIO,  
JACQUELINE DELLABORIE-MIGLINO,  
CRAIG EDWARDS, and MR. LEIGH,

Defendants.

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**BLOOM, United States Magistrate Judge:**

The Court held a telephone conference in *pro se* plaintiff's case on December 14, 2021. As stated in Judge Gujarati's Order, ECF No. 5, plaintiff may not bring claims on behalf of her minor child. See 28 U.S.C. § 1654; Tindall v. Poultney High Sch. Dist., 414 F.3d 281, 284 (2d Cir. 2005) ("It is thus a well-established general rule in this Circuit that a parent not admitted to the bar cannot bring an action *pro se* in federal court on behalf of his or her child."); Cheung v. Youth Orchestra Found. of Buffalo, Inc., 906 F.2d 59, 61 (2d Cir. 1990) ("[A]" non-attorney parent must be represented by counsel in bringing an action on behalf of his or her child."). The Second Circuit instructs that a "*pro se* complaint should not be dismissed without the Court granting leave to amend at least once when a liberal reading of the complaint gives any indication that a valid claim might be stated." Dolan v. Connolly, 794 F.3d 290, 295 (2d Cir. 2015) (internal quotation marks and alterations omitted) (quoting Chavis v. Chappius, 618 F.3d 162, 170 (2d Cir. 2010)); see also Cruz v. Gomez, 202 F.3d 593, 597 (2d Cir. 2000). Therefore, the Court will give plaintiff an opportunity to retain counsel and file an amended complaint. Defendants' response to the

complaint is stayed and defendants' motion to dismiss, ECF No. 23, shall be marked as withdrawn without prejudice.<sup>1</sup>

In order to proceed on behalf of A.C., plaintiff shall retain counsel and counsel shall file an amended complaint by March 7, 2022. If plaintiff does not retain counsel, she shall file an amended complaint only alleging claims on her own behalf (not on behalf of her minor child). Any amended complaint must conform to the requirements of Federal Rule of Civil Procedure 8(a) and contain a "short and plain statement" of plaintiff's claims. An amended complaint completely replaces the original complaint and must include all allegations against all defendants that plaintiff wishes to pursue.

Plaintiff may contact The Federal Pro Se Legal Assistance Project, a free, limited-scope legal assistance clinic operated by the City Bar Justice Center of the New York City Bar Association. A copy of the City Bar Justice Center's flyer is included with this Order.

The Court shall hold another telephone conference on March 17, 2022 at 10:00 a.m. The parties shall call the Chambers telephone conference line at (888) 363-4734 and use the access code 4444221 promptly at 10:00 a.m. on March 17, 2022. Parties are advised that they must contact each other before making any request for an adjournment to the Court. Any request for an adjournment must be received by the Court at least seventy-two (72) hours before the scheduled conference.

SO ORDERED.

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LOIS BLOOM  
United States Magistrate Judge

Dated: December 14, 2021  
Brooklyn, New York

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<sup>1</sup> Defendants' motion for an extension of time to file an answer, ECF No. 22, is denied as moot.